

ARGUMENTS/REMARKS

Applicants would like to thank the examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe and claim the subject matter which applicants regard as the invention.

An RCE is being filed with this amendment to continue prosecution of this application.

Claims 2-6, 9, and 11-19 remain in this application. Claims 1, 7-8, 10, and 20 have been canceled. New claims 21 and 22 have been added.

Claims 11-12 and 14 were rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner objects that there is no teaching of calculating a step size. The claims have been amended, making the rejections moot.

Claims 1-6, 10-14, and 19 were rejected under 35 U.S.C. §102(a) as being anticipated by Ali *et al.* (U.S. U.S. 5,896,411). Claims 7, 9, 15, and 18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ali in view of Minami *et al.* (U.S. 6,587,510); and claims 8 and 16-17 were rejected under Ali in view of Kubo *et al.* (U.S. 6,249,682). For the following reasons, the rejections are respectfully traversed.

As discussed at the personal interview of January 10, 2006 and as argued in the amendment of January 26, 2006, Ali fails to teach that an *apparatus* that detects a state change (i.e., detects one or more of: the change in the reception power of the received signal obtained by comparing the previous reception power with the current reception power, the fading pitch of the reception power of the received signal, the transmission power of the distant station, the transmission power of said apparatus, and the change in the transmission power control bit), where the *apparatus itself* changes a variable power step amount based on both the power bit setting received from a distant station and the detected state change. Instead, Ali appears to instead teach that a *base station* "can dynamically set the power control step size for each SU" (see col. 3, lines 56-60). Thus, the reference teaches that it is the *base station* that sets the power control step size, not the SU itself, in contrast to the claim language, which requires the *apparatus itself* to make the change.

Accordingly, new claim 21 recites:

a communication state detector for detecting one or more of: a change in the reception power of the received signal obtained by comparing a previous reception power with a current reception power, a fading pitch of the reception power of the received signal, the transmission power of the distant station and/or said apparatus, and a change in the transmission power control bit; and

a transmission power control step range changer for changing a variable power step amount of a transmission power control step based on both the transmission power control bit and one or more of: the change in the reception power of the received signal obtained by comparing the previous reception power with the current reception power, the fading pitch of the reception power of the received signal, the transmission power of the distant station, the transmission power of said apparatus, and the change in the transmission power control bit;

wherein the apparatus "increases or decreases a transmission power of a transmitted signal to the distant station by the changed power step amount in response to the transmission power control bit received from the distant station". Thus, as argue dabove, the claim clearly recites that it is the *apparatus* that changes the power step size, based on the *apparatus* detecting (reception or transmission) power change and the *apparatus* extracting the power control bit setting. In contrast, the reference teaches that it is the *base station* that sets the power step size for the *SU* (which is not the base station).

From the arguments provided by the Examiner, it is clear that the Examiner has ignored or misunderstood the previous arguments when he argues that Ali "disclose 'the SU detects a pilot signal with sufficient strength to meet a threshold' (see col. 10 lines 4-5), reads on 'detects a communication state based on the reception power of a received signal transmitted from the distant station' and 'in response to the message, the SU adjusts its power control step size to 1.0 DB [sic]' (see col. 10 lines 10-11) reads on 'change a step size based on a detect [sic] reception signal state'" (see page 2 of the Office action).

Such an argument ignores the differences between the claim language and the invention. The claims require that the claimed *apparatus* (which is analogous to the SU in Ali) instructs a change in the power step amount based on detected changed power. In contrast, Ali teaches that it is the *base station* that dynamically sets the power control step size for each *SU* (see col. 3, lines 56-60). It is clear that the Ali SU does not change the step amount through its own action, but is *commanded* to change the step size based on a command from the *base station*. Thus, the claim language clearly does not read on the Ali SU.

Claim 19 and new claim 22 recites step limitations similar to those discussed above, and thus is also patentable over the reference for at least the same reasons. Neither Kubo nor Minami overcome the Ali shortcomings, and thus the remaining claims, which depend on one of claims 1 and 10, are also patentable over the references for at least the same reasons.

In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. 33220.

Respectfully submitted,
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December 28, 2006